

6
O I P E
NOV 24 2003 5102
PATENT & TRADEMARK OFFICE
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

AF/1700

In re Application of
Vivian A. Schramm
Michael R. Schramm
Serial No.: 09/707,156
Filed: November 06, 2000
For: Spill-Proof Candy Container

§ Group Art Unit: 1761

§ Examiner: Steven L.
§ Weinstein

RECEIVED
DEC 01 2003
TC 1700

RESPONSE TO OFFICE ACTION MAILED ON SEPTEMBER 29, 2003

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

FIRST CLASS MAIL MAILING LABEL	
DATE OF DEPOSIT: 20 November 2003	
I hereby certify that this correspondence is being deposited with the United States Postal Service as "FIRST CLASS MAIL" in an envelope addressed to: The Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450	
Michael R. Schramm Applicant <i>Michael R. Schramm</i> Signature	November 20, 2003 Date

Sir:

Applicants hereby file this response to the Official Office Action mailed September 29, 2003.

Remarks

This transmittal is presented in response to the second office action and is believed to completely resolve each issue as raised by the examiner. Applicants believe the claims to be non-obvious and patentably distinct from all prior art.

OA Item #1: Claims Rejection under 35 USC § 112, 1st para - new matter:

The examiner has rejected claims 21 and 23 – 25 under 35 USC § 112, first paragraph, arguing that the use of the phrase “edible fluent non-gaseous material” constitutes new matter. The applicants respectfully traverse the examiner’s rejection. The examiner has stated that “the specification only recites that the substances to be placed in a container are edible particulate candy material. The